



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for July 20, 2011, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: July 6, 2011

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set public hearing for July 20, 2011 to consider the Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

BACKGROUND INFORMATION: At the July 20, 2011 public hearing, Council will consider the Report for Sidewalk Repairs and hear protests from the public. Following the public hearing, the Council will be asked to confirm the cost of repairs report, assess the cost of repairs to the affected property, and order the preparation of a Notice of Lien to be filed with the San Joaquin County Recorder's office.

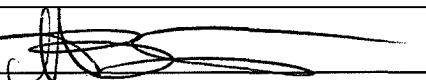
This year's report includes one property where the City performed repairs that are the owner's obligations. As a part of the City's sidewalk maintenance program, the City notified the property owner on September 12, 2008 that her sidewalk at 1235 South Pleasant Avenue needed to be repaired. Public Works staff granted several extensions to have the repairs completed and, as of March 2011, the work still had not been performed.

The City's Curb, Gutter and Sidewalk Maintenance Policy, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

The property owner received three notices over a one-year period that if she did not make the repairs, the City's contractor would repair the sidewalk. The work was completed in April 2011. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests that may be raised by the property owner.

Street Address	cost	Work Accomplished
1235 South Pleasant Avenue	\$1,839.38	Failed to Perform. City completed repair; billed property owner.

APPROVED:



Konradt Bartlam, City Manager

Set Public Hearing for July 20, 2011 to Consider Report for sidewalk Repairs and to Confirm the Report
as Submitted by the Public Works Department
July 6, 2011
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Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the San Joaquin County Recorder's office. To date, there have been eight properties that have had a Notice of Lien turned over to the San Joaquin County Recorder's office, three of which have been released after payment was received. It is staffs recommendation that this current practice continue and a Notice of Lien for the property be turned over to the San Joaquin County Recorder's office.

FISCAL IMPACT: Placing liens on the properties will ensure that the Street Fund will be reimbursed \$1,839.38 plus interest for the cost of repairing the sidewalk.

FUNDING AVAILABLE: None required.



F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

cc: Charles Swimley, Deputy Public Works Director
Property Owner, 1235 S. Pleasant Ave



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK
REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY
THE PUBLIC WORKS DEPARTMENT**

PUBLISH DATE: SATURDAY, JULY 9, 2011

LEGAL AD


TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JULY 7, 2011

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) On _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMR (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, July 8, 2011, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

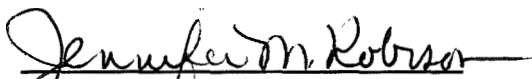
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 8, 2011, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Thursday, July 7, 2011, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

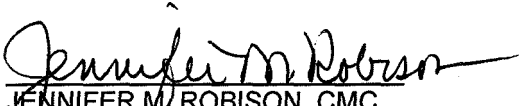
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2011 at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: July 20, 2011

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

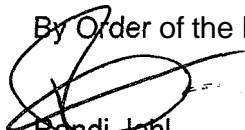
NOTICE IS HEREBY GIVEN that on **Wednesday, July 20, 2011**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

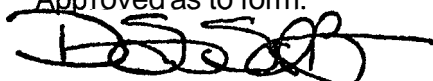
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Randi Johl
City Clerk

Dated: July 6, 2011

Approved as to form:


D. Stephen Schwabauer
City Attorney

**Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the
Report as Submitted by the Public Works Department**

MAILING LIST

Property Owner
1235 S. Pleasant Avenue
Lodi, CA 95240